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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GONZALEZ, JULIO C

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 04/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/772,820

Applicant(s)

HAINES ET AL.

Examiner

Julio C. Gonzalez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the contact points are disclosed to be connected in common, what is meant by "common"? What is considered to be "common"?

In claim 7, what is a bistable spring? Two springs?

In order to advance prosecution in the merits, the Prior Art will be applied as best understood by the examiner.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 9-12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Fliege.

Fliege discloses an integrated motor winding having a contact bar 7 with a plurality of first and second contact points, wherein a the first contact points are connected and the second contact points are isolated (see figure 1). Also, a controllable movable bar 31 is has the movable contact members (see figures 1-3) wherein the first position makes forms a wye configuration and the second position forms a delta configuration. Moreover, the bar is being controlled by a control signal indicative of torque and speed information (column 1, lines 58-67).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 6, 15, 16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fliege in view of Murakami and Moore.

Fliege discloses an integrated motor winding having a contact bar 7 with a plurality of first and second contact points, wherein a the first contact points are connected and the second contact points are isolated (see figure 1). Also, a controllable movable bar 31 is has the movable contact members (see figures 1-3) wherein the first position makes forms a wye configuration and the second position forms a delta configuration. Moreover, the bar is being controlled by a control signal indicative of torque and speed information (column 1, lines 58-67).

However, Fliege does not disclose using a solenoid.

On the other hand, Murakami discloses for the purpose of enabling to switch from a starting coupling to a delta coupling at the prescribed timing without using a timer that the switching device uses solenoids 3, 4 and 5.

However, neither Fliege nor Murakami disclose using a solenoid in combination with a spring.

On the other hand, Moore discloses for the purpose of maintaining a desired regulated output voltage that the solenoid 162 has a switch 161 and a biasing device, which is a spring (see figure 2).

Moore and Murakami disclose inherently that the solenoid with the elongated bar (figure 2) is made of magnetic material since anybody with ordinary skill in the art would know that electricity is transmitted through the coil, which in turn induces a magnetic field.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a changeover switch as disclosed by Fliege and to modify the invention by using a solenoid for the purpose of enabling to switch from a starting coupling to a delta coupling at the prescribed timing without using a timer as disclosed by Murakami and to use solenoid in combination with a spring for the purpose of maintaining a desired regulated output voltage as disclosed by Moore.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fliege in view of Kidd et al.

Fliege discloses an integrated motor winding having a contact bar 7 with a plurality of first and second contact points, wherein the first contact points are connected and the second contact points are isolated (see figure 1). Also, a controllable movable bar 31 has the movable contact members (see figures 1-3) wherein the first position makes forms a wye configuration and the second position forms a delta configuration. Moreover, the bar is being controlled by a control signal indicative of torque and speed information (column 1, lines 58-67). However, Fliege does not disclose clearly that there are power cables and a control line.

On the other hand, Kidd discloses for the purpose of reducing the cost of motors and their control systems, three power cables and a control line between the motor and the controller 30 (see figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a changeover switch as disclosed by Fliege and to modify the invention by placing cables between the motor and the controller for the purpose of reducing the cost of motors and their control systems as disclosed by Kidd.

8. Claims 7, 8, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fliege in view of Murakami and Moore as applied to claims 5 and 15 above, and further in view of ordinary skill in the art.

The combined switch for a motor discloses all of the elements above. However, the combined switch for a motor does not disclose a bistable spring and a second solenoid.

It would have been an obvious matter of design choice to use a bistable spring, since applicant has not disclosed that the bistable spring solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a regulator spring.

Also, it would have been obvious to one having ordinary skill in the art at the time the invention was made to design a biasing device with two solenoids, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio C. Gonzalez whose telephone number is (703) 305-1563. The examiner can normally be reached on M-F (8AM-5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jcg

March 22, 2002

  
THOMAS M. DOUGHERTY  
PRIMARY EXAMINER  
GROUP 2100  
